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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,860	08/18/1999	HENRICUS A. W. VAN GESTEL	PHN-17.070	7043

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EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/376,860

Applicant(s)

VAN GESTEL ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are presented for examination.
2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

- i. As per claim 1, line 7, "the further storage means."
- ii. As per claim 4, line 5, "the further storage means."
- iii. As per claim 5, line 6, "the further storage means."

B. The claim language in the following claims is not clearly understood.

- i. As per claim 1, lines 2-7, it is unclear where is the first storage device, without a first storage device, how could it claim a second storage device. It is uncertain the relation between "a storage device", "a second storage device" and "the further storage means". It is unclear whether "the units" in line 3 refers to "storing units" in line 2. Meanwhile, a first storage device in the claim does not have any function.
- ii. As per claim 4, line 5, it is uncertain the relation between "a storage device", "a second storage device" and "the further storage means".

iii. As per claim 5, line 6, it is uncertain the relation between "a storage device", "a second storage device" and "the further storage means". It is uncertain "a similar device" refers storage device or information processing device.

iv. As per claim 6, lines 3-4, there is a duplicated word "personalizing". There is a typo in line 5, "storing" should be "storing". It is uncertain the personalizing information being stored [i.e., same location as the primary information stored or not].

Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (WO 97/22062).

5. Huffman et al. (WO 97/22062) is a prior art reference cited on form 1449 by Applicant dated 1/21/00.

6. As per claims 8 and 10, Huffman teaches the invention as claimed including an information processing device [col. 3, lines 3-5; col. 10, lines 13-18] comprising a memory for storing primary information [760, Fig. 39; col. 8, lines 3-9], a interface [752, Fig. 39] for selecting at least a portion of the primary information [340, Fig. 23] and a processor [754, Fig. 39] for processing the portion of the selected primary information [col. 10, lines 19-23] and inputting personalizing information [col. 37, lines 9-10].

7. Huffman does not specifically teach that the personalizing information is derived from the primary information. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to derive information from the selection of the primary information because doing so would increase the speed of the system by allowing users be able to create a personal profile from the primary information if they find any information they interested in instead of inputting those information by themselves again. One of ordinary skill in the art would have been motivated to modify Huffman's system in order improve the functional ability of the system.

8. As per claim 9, Huffman teaches the step of storing the personalizing information in the memory [col. 36, line 23 - col. 37, line 10].

9. As per claims 1-3, Huffman teaches the invention as claimed including an information processing device [col. 3, lines 3-5; col. 10, lines 13-18] comprising a storage device [760, Fig. 39] for storing units [136, Fig. 2; col. 10, lines 24-29] of primary

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information [col. 8, lines 10-12], and a user operable interface [752, Fig. 39] for making selections [340, Fig. 23] from the units of primary information to be processed [col. 10, lines 19-23] and/or from functions to be invoked [col. 13, lines 12-18], a second device [768, Fig. 39] and inputting personalizing information [col. 37, lines 7-10] and storing the personalizing information in the second device [col. 37, lines 7-23].

10. Huffman does not specifically teach that the personalizing information is derived from the primary information. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to derive information from the selection of the primary information because doing so would increase the speed of the system by allowing users be able to create a personal profile from the primary information if they find any information they interested in instead of inputting those information by themselves again. One of ordinary skill in the art would have been motivated to modify Huffman's system in order improve the functional ability of the system.

11. As per claim 4, Huffman teaches the invention substantially as claimed in claim 1. Huffman does not specifically teach the step of erasing a respective unit of primary information in response to a user command. It would have been obvious to a person of ordinary skill in the art at the time the invention was made that including a erasing function in Huffman's system because doing so would give users option to delete the information they do not want to store in the memory. One of ordinary skill in the art would have been motivated to modify Huffman's system in order to save storage space.

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12. As per claim 5, Huffman teaches that the device including communication means for exchanging units of primary information with a similar device [col. 9, lines 9-17].

13. However, Huffman does not specifically teach that the personalizing information is derived from the primary information. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to derive information from the selection of the primary information because doing so would increase the speed of the system by allowing users be able to create a personal profile from the primary information if they find any information they interested in instead of inputting those information by themselves again. One of ordinary skill in the art would have been motivated to modify Huffman's system in order improve the functional ability of the system.

14. As per claim 6, since it is a method claim of claim 1, it is rejected under the same basis as claim 1.

15. As per claim 7, Huffman teaches the step of deriving a history of personalizing information, using two or more selected portion of primary information [col. 36, lines 16-22].

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax number for this Group is (703) 308-9052. Additionally, the fax numbers for Group 2100 are as follow:

Official Faxes:	(703) 746-7239
After Final Responses:	(703) 746-7238
Draft Responses:	(703) 746-7240

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Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

March 13, 2003



MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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